

**IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT**

IN RE: REORGANIZATION OF POLK COUNTY  
CRIMINAL COURTS – “ROCKET DOCKET”

ADMINISTRATIVE ORDER 2009-11

Due to ongoing budget constraints the Court conducted a review of the effectiveness of the District Associate Court LUS “Rocket Docket” Program. This Program allows individuals an opportunity to obtain their drivers license after suspension through delay in the judicial process. The Court has found that in addition to budget concerns, the success of the “Rocket Docket” was less than anticipated. Courtroom 202A has become overcrowded and the docket has been scheduled beyond capacity. The Court has determined the “Rocket Docket” Program shall end as of February 2, 2009 and all tickets issued pursuant to Iowa Code Section 321.218 shall now be handled as traffic tickets. Therefore, it is now appropriate to update the assignments of cases to dockets in Polk County criminal court. **[Changes are in bold print.]**

The Court strikes Administrative Order 2008-25 and substitutes the following Order in lieu thereof.

**NOW THEREFORE IT IS HERREBY ORDERED:**

A. The Polk County District Associate Criminal Courts shall be organized into the following dockets, assignments and courtrooms. Court Administration shall schedule events on these dockets on CJIN using a defendant based system as set forth herein beginning February 2, 2009:

1. Criminal No. 1 Room 202A. DA01 (Driving Offense Court).

Case Assignment. All out-of-custody arraignments, pretrials, pleas, sentencings, motion hearings and all other proceedings (except trials) in OWI (including OWI 3<sup>rd</sup>), **LUR** and DWB cases.

Scheduling. Case Coordinator Carol Moore schedules all events in these cases except bond forfeiture hearings **and out of custody arraignments** which are scheduled by the court attendant. Carol Moore also schedules pretrial conference and trial dates in simple misdemeanor cases (including traffic) where a jury demand has been made. The CJIN Clerks will enter arraignment dates originating from jail court and out of custody initial appearances for this court on calendar 2011. The court attendant schedules arraignments from out of custody appearances. All jury trials are scheduled for this courtroom so that Carol Moore can assign the cases to an available judge for trial.

**202A Schedule**

Monday	8:00-9:00	OWI arraignments
	8:30-12:00	OWI pleas and sentencings
	1:30 -2:30	<b>Initial appearances</b>
	2:30-4:30	Last Monday of the month – Bond forfeiture <b>hearings</b>
Tuesday	9:00	Motions

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	10:30	Motions
	<b>1:30-2:30</b>	<b>Initial appearances</b>
	2:30	Motions
Wednesday	<b>8:00-9:00</b>	<b>OWI, LUR AND DWB arraignments</b>
	<b>9:30 -12:00</b>	<b>OWI, LUR AND DWB pretrials</b>
	<b>1:30-2:30</b>	<b>Initial appearances</b>
Thursday	<b>8:00-9:00</b>	OWI arraignments
	<b>9:00-12:00</b>	OWI pretrials
	<b>1:30-2:30</b>	<b>Initial appearances</b>
	<b>2:30-4:30</b>	OWI pretrials
Friday	9:00	Motions
	10:30	Motions
	<b>1:30-2:30</b>	<b>Initial appearances</b>
	2:30	Motions

2. Criminal No. 2, Room 211. DA02 (Indictable Court).

Case Assignment. All out of custody, arraignments, pretrials, pleas, sentencing, motion hearings, forfeitures and all related proceedings in indictable misdemeanor cases and Class D felony domestic abuse cases. No trials.

Scheduling. Carol Moore schedules all events in the court, except bond forfeiture hearings and modification of no contact order hearings which are scheduled by the court attendant. The CJIN clerks will schedule arraignment dates and the court attendant from 202A will schedule out of custody arraignments for this court on calendar 2011.

**211 Schedule**

Monday	8:00-12:00	Arraignments, pleas and sentencings and if jury week pleas and sentencing for any trials
	1:30	Violation NCO-All Simple Misdemeanors
Tuesday	8:00	Arraignments, pleas and sentencings – (Dom. Abuse cases only)
	9:00-11:00	PTC on Domestic only
	1:30	Last Tues of the month bond forfeiture hearings (including Class D Domestic Abuse cases)
Wednesday	8:00-12:00	Arraignments-pleas and sentencings and if jury week -pleas and sentencings for any trials
	1:30	Modification of no contact orders-indictable and Class D Domestic Abuse cases
Thursday	8:00	Arraignments-pleas and sentencings
	9:00-11:00	PTC on misdemeanor drug cases-no felony cases



Friday	1:30	Hearings on violation of no contact orders (domestic)
	8:00	Arraignments –pleas and sentencings
	9:00 –11:00	PTC on all other indictable case
	1:30	Motions

### 3. Criminal No. 3, Room 109. DA03 (Supervisory/Probation Court)

Case Assignment. Indictable and Class D felony probation revocation proceedings for OWI 3<sup>rd</sup> and Domestic Abuse 3<sup>rd</sup>; no contact order violations other than domestic assault cases; all fine collection, restitution and payment plans under \$10,000.00; preliminary hearings; forfeiture and seized property hearings under \$5,000.00; formal bond reviews on indictables; and requests for Temporary Restricted Licenses.

Scheduling. The CJIN Clerks on duty in the morning hours will schedule all these matters that originate in Jail Court during initial appearances. Case Coordinator Gaila Conklin will schedule all these matters that originate in Jail Court in the afternoon Court session. The matters that are continued or originally scheduled for out-of-custody defendants shall be scheduled by the Court Attendant assigned to this court.

#### **109 Schedule**

Monday	8:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Out of custody probation hearings
Tuesday	8:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews
	1:30-4:30	Evidentiary probation hearings (indictables)
Wednesday	8:00	Preliminary Hearings
	9:30-12:00	Out of custody informal probation hearings
	1:30-4:30	Contempt hearings
Thursday	8:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews and violation no contact hearings (non-domestic)
	1:30-4:30	Out of custody formal probation hearings
Friday	8:00	Preliminary Hearings
	9:00-12:00	Seized property scheduling conferences
	2:00-4:30	Seized property hearings

### 4. Criminal No. 4, Jail Court. DA04

Case Assignment. In custody felony and indictable misdemeanor arraignments, non-formal bond reviews, initial appearances, indictable misdemeanor and D felony pleas & sentencings (OWI 3<sup>rd</sup> and Domestic Abuse only), hearings on in-custody probation revocations on indictables. No out-of-custody hearings.

Scheduling. The CJIN Clerks on duty in the morning hours will schedule all these matters that originate in Jail Court during initial appearances to appropriate calendars. Gaila Conklin will schedule all these matters that originate in Jail Court in the afternoon Court session.

### **Jail Court Schedule**

All matters that are to be scheduled in Jail Court shall be done through the Jail Case Coordinator or other Case Coordinator on approved scheduling orders.

#### **5. Criminal No. 5, Room 102. DA05 (Simple Misdemeanor/Traffic Court)**

Case Assignment. Initial Appearances on traffic cases, LUS cases, and simple misdemeanors which are not associated with an indictable misdemeanor, all non-jury trials involving traffic cases and simple misdemeanors and pre-trial conferences or simple domestic assault charges.

Scheduling. Initial appearances are scheduled by the Clerks. Pre-trials and trials are scheduled by the court attendants for Room 102, **Jail court, Room 202A and Room 211.**

#### **102 Schedule**

Monday	9:00	Initial Appearances
	9:30	State Traffic Trials
	10:00	State Simple Trials
	1:30	Initial Appearances
	<b>2:00</b>	<b>License Under Suspension Trials</b>
Tuesday	9:00	Initial Appearances
	9:30	Simple Pretrials on State charges (including domestics and <b>license under suspension tickets</b> ) every 15 min.
	10:00	1 <sup>st</sup> Tuesday of the month, any contempt hearings
	1:30	Initial Appearances
	2:00	City Traffic Trials
Wednesday	9:00	Initial Appearances
	9:30	State Traffic Trials
	10:00	State Simple Trials
	1:30	Initial Appearances
	2:00	City Traffic Trials and LUS Trials
Thursday	9:00	Initial Appearances
	9:30	State Traffic Trials
	10:00	City and State Simple Trials
	1:30	Initial Appearances
	2:00	City and State Traffic Trials
Friday	9:00	Initial Appearances
	9:30	Polk County Sheriff Traffic Trials
	10:00	State Simple Trials



1:30 Initial Appearances  
2:00 Highway Patrol Traffic Trials

6. CJIN Calendar 2011. This calendar is used to schedule indictable misdemeanor arraignments for courtroom 202A and 211 and out of custody initial appearances. CJIN Clerks on duty in the morning hours will schedule all these that originate in Jail Court during initial appearances. Gaila Conklin will schedule all these that originate in Jail Court in the afternoon Court session. The 202A court attendant will schedule arraignments for out-of-custody initial appearances.

7. Reassignment of Class D felony matters to District Court.

a) District Court Criminal No. 1 (DCC1). Class D felony in custody pleas, sentencings, and probation revocation proceedings (not including felony domestic abuse, OWI 3<sup>rd</sup> and drug offenses) are assigned to Room 204. In custody arraignments shall remain in jail court.

b) District Court Drug Docket (DCC4). Class D felony drug in custody pleas, sentencings, and probation revocation proceedings are assigned to Room 207.

c) Probation Revocation Proceedings. Upon the filing of a Report of Violations regarding felony offenders, the Department of Correctional Services shall review the case for expedited disposition. Violations that cannot be resolved shall be scheduled for pre-trial conference within seven (7) days for felonies other than domestic abuse and OWI 3<sup>rd</sup> in Room 204 or Room 207. All other probation violations shall be scheduled in Room 109. The probation officer assigned to the case shall appear for the pre-trial with authority to resolve the violation. These pre-trial conferences shall be meaningful events. Violations that cannot be resolved at the pre-trial shall be scheduled for evidentiary hearing at the earliest possible date.

8. Coverage/Trials/Small Claims Appeals, Rooms 101 and 206. Judges assigned to Room 101 and 206 shall provide coverage to the other District Associate Criminal Courts as necessary. Carol Moore shall assign all misdemeanors and Class D felony trials to the 101 and 206 judges to the extent of their availability. Carol Moore shall next call the judge assigned to traffic in Room 102 for misdemeanor trials whenever a magistrate is available to cover traffic in Room 102. Carol Moore shall also utilize senior judges whenever they are available. If these judges are not available, Carol Moore shall contact Case Coordinator Janice Cooney to assign the district judges in Room 209A and 208 as the next call for Class D felony and indictable misdemeanor trials. When these judicial resources are unavailable, Carol Moore may call Case Coordinator Colleen Adams to assign misdemeanor and Class D felony trials, to the district judges of the Polk County General Trial Assignment or the rural judges.

The Civil Division of the Polk County Clerk of Court shall assign all small claims appeals from the decisions of Polk County Magistrates to the Room 206 judge. The Room 206 judge may share small claims appeals with the Room 101 judge on an equitable basis depending upon the availability of that trial judge.

Colleen Adams may assign civil trials involving an amount in controversy of \$10,000.00 or less to the Room 101 and 206 judges on a case by case basis depending on their availability. However, coverage and criminal matters shall take priority.

Each six months Polk County District Associate Judges and each year District Judges shall be assigned to the foregoing dockets, courtrooms and schedules in accordance with a previously established rotation schedule. These dockets, courtroom assignments and schedules shall not be changed except upon order of the Chief Judge.

Transition. Judges, Court Coordinators and Court Attendants shall begin scheduling matters in accordance with this Administrative Order **effective February 2, 2009**. Matters scheduled prior to **February 2, 2009** shall be handled to disposition on the dockets where they were previously scheduled. Matters scheduled after **February 2, 2009** shall be handled on the newly assigned docket.

Dated this 4 day of February, 2009.

  
ARTHUR E. GAMBLE, Chief Judge  
Fifth Judicial District

Copies to:  
All Polk County Judges  
John Sarcone, Polk County Attorney  
Valerie Wilson, Public Defender  
Beth Baldwin, District Court Administrator  
Anne Sheeley, Assistant Court Administrator  
Bill McCarthy, Polk County Sheriff  
Cpt. Donna Brooks, Polk County Sheriff's Office  
Randy Osborn, Clerk of Court  
Carol Moore, Case Coordinator  
Gaila Conklin, Case Coordinator  
Kathy Miller, Polk County Juvenile Public Defender  
Hon. Michael J. Streit, Liaison Justice  
David Titcomb, Department of Transportation  
Jane Holtorf, Department of Transportation  
Theresa Kern, Department of Transportation